XI. CIVIL RIGHTS

(Please indicate) **State Agency:** **Utah** for **FY** **2016**

The Civil Rights section of the State Plan should cover the training of State and local staff on issues, rules and regulations related to civil rights, public notification of nondiscrimination requirements, the monitoring of local agencies and clinics for compliance with civil rights regulations and rules, the collection of relevant racial/ethnic information and procedures for handling civil rights complaints.

A. Administration - 246.4(a)(17): describe the procedures the State will use to comply with the civil rights requirements described in 246.8, including the processing of discrimination complaints.

B. Public Notification Requirements and Nondiscrimination Notification - 246.8(a)(1): describe the policies and procedures used to ensure that public notification regarding nondiscrimination in the WIC Program reaches all participants and potential participants in an appropriate language (246.8(c)) through WIC Program materials.

C. Compliance Review and Monitoring Activity - 246.8(a)(2): describe the policies and procedures used to monitor and review local agencies to verify that they are in compliance with civil rights laws and regulations.

D. Data Collection and Reporting - 246.8(a)(3): describe the methods used to collect and monitor racial/ethnic data in compliance with title VI of the Civil Rights Act of 1964.

E. Complaint Handling - 246.4(a)(17): describe the policies and practices used to ensure civil rights complaints are handled properly at the State and local level.

XI. CIVIL RIGHTS
A. Administration

1. The State agency designates an individual to coordinate, implement, conduct training and enforce civil rights efforts.

☒ Yes ☐ No

a. The following methods are used to inform and update State and local agency staff of their obligations under civil rights rules, regulations and instructions:

	State Agency	Local Agency
Briefing for new employees	☒	☒
Handouts for new employees	☐	☐
Memos and updates	☒	☒
Presentations by civil rights coordinator	☒	☒
Presentations by staff other than WIC Program	☐	☐
Other	☐	☐

If other, specify: _____

b. Civil rights training is provided annually.

State agency staff ☒ **Yes** ☐ **No**

Local agency staff ☒ **Yes** ☐ **No**

c. Civil rights training includes the following:

	State Agency	Local Agency
Collection and use of racial/ethnic data	☒	☒
Effective public notification systems	☒	☒
Complaint procedures	☒	☒
Compliance review techniques	☒	☒
Resolution of noncompliance	☒	☒
Requirements for reasonable accommodation of persons with disabilities	☒	☒
Requirements for language assistance	☒	☒
Conflict resolution	☒	☒
Customer Service	☒	☒

If other, specify: _____

ADDITIONAL DETAIL: Civil Rights Appendix and/or Procedure Manual (citation):

_____

XI. CIVIL RIGHTS
A. Administration

2. The State agency has copies of the following materials on file:

- [x] FNS Instruction, 113-1
- [ ] Title VI (1964), 7 CFR 15
- [ ] Title IX, Education Amendments, 7 CFR 15a (sex discrimination)
- [ ] Section 504, Rehabilitation Act of 1973, 7 CFR 15b
- [ ] Racial/Ethnic data collection policy and reporting requirements
- [ ] Age Discrimination Act of 1975, 45 CFR Part 91 (draft)
- [ ] Americans with Disabilities Act, 28 CFR Part 35
- [ ] Civil Rights Restoration Act of 1987

ADDITIONAL DETAIL: Civil Rights Appendix and/or Procedure Manual (citation):

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3. The State agency's policy for reasonable accommodation for the disabled includes the most up-to-date special provisions for the disabled.

[x] Yes [ ] No

(Refer to FNS Instruction 113-1, Civil Rights Compliance and Enforcement–Nutrition Programs and Activities)

ADDITIONAL DETAIL: Civil Rights Appendix and/or Procedure Manual (citation):

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B. Public Notification Requirements and Nondiscrimination

1. Public Notification

a. The State agency requires its local agencies to include the nondiscrimination policy statement and civil rights complaint procedure on the following (check all that apply):

- [x] Outreach letters to the general public
- [x] Program information letters
- [x] Program information brochures
- [x] Program information bulletins
- [x] Newspaper announcements
- [x] Internet
- [x] Letters of invitation in the public hearing process
- [x] Certification forms to be signed by participants
- [x] Radio announcements
- [x] Publications
- [x] Posters
- [x] Newsletters
- [x] Referral material
- [x] Television announcements
- [ ] Application forms (including computer-based forms)
- [ ] Other (specify): _____

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B. Public Notification Requirements and Nondiscrimination

b. The State agency requires that the USDA nondiscrimination poster, "And Justice For All," or an FNS-approved substitute be displayed in the following places frequented by applicants and participants:

- [x] Clinic waiting rooms
- [ ] Food instrument issuance offices
- [ ] Group/individual nutrition education areas
- [ ] Test kitchens
- [ ] Warehouse distribution centers
- [ ] Other (specify): _____

c. Check the group categories that the State agency and its local agencies publicly inform of the following information (check all that apply; see key below):

1	2	3	
[x]	[x]	[x]	Availability of program benefits
[x]	[x]	[x]	Eligibility criteria for participation
[x]	[x]	[x]	Location of LA/clinics operating WIC Program and (800) telephone numbers
[x]	[x]	[x]	Hours of service of LA/clinics operating WIC Program
[ ]	[ ]	[x]	Rights and responsibilities
[x]	[x]	[x]	Nondiscrimination policy
[x]	[x]	[x]	Civil rights complaint procedure

1 = general public
2 = grassroots/community organizations that deal with potentially eligible minorities
3 = potential eligibles/applicants/participants

d. The State agency ensures that advocacy/minority organizations and the general public are informed of the benefits/policies listed above (please provide the appropriate Procedure Manual citation of materials used):

- [x] Annually
- [ ] More frequently

ADDITIONAL DETAIL: Civil Rights Appendix and/or Procedure Manual (citation):

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2. Nondiscrimination Notification

a. The State agency or local agency:

- [x] Provides applicants/participant with key information, such as applications and materials describing eligibility criteria and procedures for delivery of benefits, in appropriate languages other than English in areas where a significant proportion of people with limited English proficiency (LEP) reside.
- [x] Appropriate bilingual staff, volunteers, or other translation resources are available to serve applicants and participants in areas where a significant proportion of people with limited English proficiency (LEP) reside.
- [x] All rights and responsibilities listed on the certification form are read to or by the applicants and participants in the appropriate language, or if the participant is sight or hearing impaired and requires assistance.

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B. Public Notification Requirements and Nondiscrimination

b. The State agency provides WIC Program materials and translators in the following languages (Check all that apply; M = Materials, VT = Volunteer Translators, PT = Paid Translators, BS = Bilingual Staff):

M	VT	PT	BS	
☒	☐	☐	☒	English
☒	☐	☒	☒	Spanish
☐	☐	☒	☐	French
☒	☐	☒	☐	Vietnamese
☒	☐	☒	☐	Chinese
☐	☐	☒	☐	Other Asian/Pacific (specify): _____
☐	☐	☒	☐	Tribal (specify): _____
☐	☐	☐	☐	Braille
☐	☐	☒	☐	Sign Interpreter
☐	☐	☐	☐	Other (specify): _____

ADDITIONAL DETAIL: Civil Rights Appendix and/or Procedure Manual (citation):

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C. Compliance Review and Monitoring Activity

1. Compliance Review

a. Civil rights reviews of local agencies are conducted:

- ☐ Separately
- ☒ In conjunction with another department, organization or service as part of an overall review
- ☐ Other (specify): _____

b. The State agency reviews all of its local agencies for civil rights compliance with the nondiscrimination laws and regulations when it does its reviews.

☒ Yes ☐ No

ADDITIONAL DETAIL: Civil Rights Appendix and/or Procedure Manual (citation):

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2. Monitoring Activity

a. In addition to the local agency reviews, the State agency uses the following means to ensure that local agencies operate in a nondiscriminatory manner:

- ☒ Review of the racial/ethnic enrollment and/or participation data
- ☐ Review of denied applications
- ☐ Review of waiting lists
- ☒ Review of complaints
- ☒ Review of participant surveys
- ☒ Participant interviews
- ☐ Other (specify): _____

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C. Compliance Review and Monitoring Activity

b. The State agency checks for the following in local agency applications:

- ☐ The local agency has corrected all past substantiated civil rights problems or noncompliance situations
- ☐ The Civil Rights Assurance is included in the State-Local Agency Agreement
- ☐ A description of the racial/ethnic makeup of the service area is included in the application
- ☐ Appropriate staff, volunteers, or other translation resources are available in areas where a significant proportion of people with limited English proficiency (LEP) reside

c. The State agency checks for the following in its civil rights reviews of its local agencies:

- ☒ Case records include racial/ethnic data
- ☐ Where applicable, an explanation of why the racial/ethnic WIC participant level is not proportionate to the income eligible racial/ethnic population
- ☒ The local agency has conducted civil rights training for its staff
- ☒ The project area displays the USDA nondiscrimination poster, "And Justice For All," or an FNS-approved substitute
- ☒ Program information has been provided to applicants, participants, and grassroots organizations or similar minority groups
- ☒ The nondiscrimination policy statement and civil rights complaint procedure are included on all printed materials such as applications, pamphlets, forms, or any other materials distributed to the public
- ☒ Racial/ethnic data are collected by actual count and maintained on file for 3 years
- ☒ The local agency has corrected all past substantiated civil rights problems or noncompliance situations
- ☒ Civil rights complaints are handled in accordance with the procedures outlined in FNS Instruction 113-1: XV

ADDITIONAL DETAIL: Civil Rights Appendix and/or Procedure Manual (citation):

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D. Data Collection and Reporting

1. Data Collection

a. The State agency ensures the following when collecting civil rights data:

- ☒ All racial/ethnic categories are collected and reported as part of the program participant characteristics report
- ☒ Racial/ethnic data definitions are in accordance with current OMB guidance and WIC policy, and clinic procedures are in place to ensure the data is collected accurately
- ☒ Data reported on participant characteristics include the number of persons on WIC master lists or persons listed in WIC operating files who are certified to receive WIC benefits
- ☒ Collected racial/ethnic data and records are accessible only to authorized personnel

b. The State agency maintains a civil rights file which retains collected racial/ethnic data for three years.

☒ Yes ☐ No

ADDITIONAL DETAIL: Civil Rights Appendix and/or Procedure Manual (citation):

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D. Data Collection and Reporting

2. The State agency instructs its local agencies to obtain a participant's racial/ethnic category by (check all that apply):

- [x] Allowing self-identification by participant (must be used at participant's request)
- [ ] Visual identification/sight assessment by local agency staff
- [ ] Local agency staff personally know participant's racial/ethnic category
- [ ] Other (specify): _____

ADDITIONAL DETAIL: Civil Rights Appendix and/or Procedure Manual (citation):

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E. Complaint Handling

1. The State agency ensures the following:

- [x] WIC Program applicants and participants are informed where and how they may file a complaint of discrimination by directing them to the USDA Office of the Assistant Secretary for Civil Rights website (http:/www.ascr.usda.gov/complaint_filing_cust.html) for proper Discrimination Complaint Filing processes.
- [x] WIC Program applicants and participants are informed that they can file their complaints directly with the U.S. Department of Agriculture (who in turn forward them directly to the FNS HQ Civil Rights Division), directly with the FNS HQ Civil Rights Division, their State Agency or their local Agency. However, the local/State Agency must then forward their complaint either directly to the FNS HQ Civil Rights Division or the U.S. Department of Agriculture.
- [x] All local agency staff are trained in discrimination complaint procedures
- [x] All written and verbal complaints alleging discrimination based on race, color, national origin, age, sex, or disability are accepted from applicants and participants by State agency and local agency staff and forwarded to the FNS HQ Civil Rights Division.
- [x] Complaints alleging discrimination based on race, color, national origin, or age are forwarded to the FNS HQ Civil Rights Division through an FNS-established complaint procedure. (Regional Office receives copy of all complaints.)
- [x] Complaints alleging discrimination based on sex or disability are forwarded to the FNS HQ Civil Rights Division (for those State and local agencies without an FNS-approved grievance procedure in place).
- [x] Complaints alleging discrimination based on sex or disability are forwarded to the FNS HQ Civil Rights Division.

ADDITIONAL DETAIL: Civil Rights Appendix and/or Procedure Manual (citation):

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2. The State agency uses a discrimination complaint form it has developed for acceptance of a complaint.

- [ ] Yes
- [x] No

ADDITIONAL DETAIL: Civil Rights Appendix and/or Procedure Manual (citation):

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3. The State agency establishes and ensures that local agencies implement specific timeframes concerning discrimination complaints:

- [x] An individual has the right to file a complaint within 180 days of the alleged discriminatory action.
- [x] All complaints are processed and closed within 90 days of receipt.

ADDITIONAL DETAIL: Civil Rights Appendix and/or Procedure Manual (citation):